

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by changing Section 10-22.21b and by adding Section 34-18.61 as follows:

(105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)

Sec. 10-22.21b. Administering medication.

(a) In this Section, "asthma action plan" has the meaning given to that term under Section 22-30.

(b) To provide for the administration of medication to students. It shall be the policy of the State of Illinois that the administration of medication to students during regular school hours and during school-related activities should be discouraged unless absolutely necessary for the critical health and well-being of the student. Under no circumstances shall teachers or other non-administrative school employees, except certified school nurses and non-certificated registered professional nurses, be required to administer medication to students. This Section shall not prohibit a school district from adopting guidelines for self-administration of medication by students that are consistent with this Section and this Code. This Section shall not prohibit any school employee from providing emergency assistance to students.

(c) Notwithstanding any other provision of law, a school district must allow any student with an asthma action plan, an Individual Health Care Action Plan, an Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or a plan pursuant to the federal Individuals with Disabilities Education Act to self-administer any medication required under those plans if the student's parent or guardian provides the school district with (i) written permission for the student's self-administration of medication and (ii) written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication. A parent or guardian must also provide to the school district the prescription label for the medication, which must contain the name of the medication, the prescribed dosage, and the time or times at which or the circumstances under which the medication is to be administered. Information received by a school district under this subsection shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(d) Each school district must adopt an emergency action plan for a student who self-administers medication under subsection (c). The plan must include both of the following:

(1) A plan of action in the event a student is unable to self-administer medication.

(2) The situations in which a school must call 9-1-1.

(e) A school district and its employees and agents shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of medication by a student under subsection (c). The student's parent or guardian must sign a statement to this effect, which must acknowledge that the parent or guardian must indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self-administration of medication by a student.

(Source: P.A. 91-719, eff. 6-2-00.)

(105 ILCS 5/34-18.61 new)

Sec. 34-18.61. Self-administrating medication.

(a) In this Section, "asthma action plan" has the meaning given to that term under Section 22-30.

(b) Notwithstanding any other provision of law, the school district must allow any student with an asthma action plan, an Individual Health Care Action Plan, an Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or a plan pursuant to the federal Individuals with Disabilities Education Act to self-administer any medication required under those plans if the student's parent or guardian provides the school district with (i) written permission for

the student's self-administration of medication and (ii) written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication. A parent or guardian must also provide to the school district the prescription label for the medication, which must contain the name of the medication, the prescribed dosage, and the time or times at which or the circumstances under which the medication is to be administered. Information received by the school district under this subsection shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(c) The school district must adopt an emergency action plan for a student who self-administers medication under subsection (b). The plan must include both of the following:

(1) A plan of action in the event a student is unable to self-administer medication.

(2) The situations in which a school must call 9-1-1.

(d) The school district and its employees and agents shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of medication by a student under subsection (b). The student's parent or guardian must sign a statement to this effect, which must acknowledge that the parent or guardian must indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on willful and wanton

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conduct, arising out of the self-administration of medication
by a student.